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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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DEPUTY

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Ernesto David RUIZ-Hernandez

Defendant.

Magistrate Case No.:

'08 MJ 2294

COMPLAINT FOR VIOLATION OF

21 U.S.C. § 952 and 960
Importation of a Controlled Substance
(Felony)

The undersigned complainant being duly sworn states:

That on or about July 26, 2008, within the Southern District of California, defendant Ernesto David RUIZ-Hernandez did knowingly and intentionally import approximately 20.38 kilograms (44.83 pounds) of marijuana a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Handwritten signature: Charles H. Wagon
Special Agent
U.S. Immigration & Customs
Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 28TH,
DAY OF JULY 2008.

Handwritten signature: J. Del. Belcher
UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, Special Agent Christopher Miller, declare under penalty of perjury, the following statement is true and correct:

On or about July 26, 2008, at approximately 0900 hours, Ernesto David RUIZ-Hernandez entered the United States at the Calexico, California, West Port of Entry. RUIZ was the driver and sole occupant of a 1994 white Dodge Dakota. CBPO N. Lepe received a negative oral Customs declaration from RUIZ. RUIZ presented a valid Border Crossing Card and stated that he had just purchased the vehicle and was on his way to the Santo Tomas swap meet. CBPO N. Lepe tapped the spare tire attached to RUIZ's vehicle and it sounded solid. The vehicle was referred to the secondary lot for closer examination.

In the vehicle secondary lot, CBPO A. Zuniga received a negative oral Customs declaration from RUIZ. RUIZ explained that he had purchased the vehicle 15 days ago.

CBPO A. Zuniga requested assistance from CBPO D. Alba and his Human Narcotic Detector Dog "Cindy". CBPO D. Alba observed "Cindy" alert to the spare tire of RUIZ's vehicle.

A subsequent inspection of the spare tire revealed 18 packages. One of the packages was probed and a sample of a green leafy substance was obtained, which field tested positive for marijuana. The 18 packages had a combined net weight of approximately 20.38 kilograms (44.83 pounds).

RUIZ was placed under arrest and advised of his Constitutional Rights, which he acknowledged and waived, agreeing to answer questions. RUIZ admitted knowledge of the marijuana and that he was going to be paid approximately \$1000.00 US to transport the narcotic laden vehicle into the US.

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3 RUIZ was placed under arrest and was booked into the Imperial County Jail pending
4 his initial appearance before a U.S. Magistrate Judge.

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6 Executed on July 26, 2008 at 0945 hours.
7

8 *cmiller*

9 Special Agent Christopher Miller
10 US Immigration & Customs Enforcement

11 On the basis of the facts presented in the attached probable cause statement
12 consisting of 2 pages, I find probable cause to believe that the defendant named in this
13 probable cause statement committed the offense on July 26, 2008 in violation of Title
14 21, United States Code, Section 952 and 960.
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18 Leo S. Papas
19 United States Magistrate Judge

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21 *7/27/08 - 405 Pm*
22 Date/Time
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